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Attorneys for defendant

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

MARLENE G. MEYER,)	
)	
Plaintiff,)	
)	
v.)	
)	
ARG ENTERPRISES, INC. aka STUART)	
ANDERSON'S CATTLE COMPANY)	
RESTAURANTS,)	
)	
Defendant.)	Case 3:05-cv-00239-TMB
)	

PROPOSED PRETRIAL ORDER

A. This matter arises out of a trip-and-fall incident which occurred on January 7, 2003. Plaintiff alleges negligence against defendant ARG Enterprises, Inc., also known as Stuart Anderson's Cattle Company Restaurant in Anchorage.

Exhibit A
Page 1 of 10 Pages

Plaintiff has also alleged negligence per se based on an alleged building code violation. This claim is the subject of an outstanding motion for summary judgment.

Plaintiff has claimed negligence, that Cattle Company did not take reasonable measures to maintain their property to avoid the unreasonable risk of harm to patrons by allowing a difference in elevation between two pieces of cement making up the sidewalk outside the restaurant. Plaintiff is claiming past medical damages and past pain and suffering.

Defendant claims that it maintains its premises in a reasonably safe condition and that plaintiff Marlene Meyer is comparatively negligent for not recognizing and/or avoiding the alleged defect in the sidewalk.

B. Plaintiff has agreed in interrogatories to a stipulated amount of \$23,161.64 in medical bills as a result of this accident. Defendant does not dispute this amount. Plaintiff is also claiming for pain and suffering during her approximately six month recovery from this accident. No future medical bills are claimed or expected.

Exhibit A
Page 2 of 10 Pages

C. Uncontested Facts

Plaintiff Marlene Meyer visited the Cattle Company restaurant in Anchorage, Alaska on January 7, 2003 and had lunch. After exiting the building, she proceeded to the northeast corner of the building where she tripped and fell injuring her wrist and face. At the approximate location of her fall, two pieces of cement making up the sidewalk are displaced at the seam between the pieces of cement by up to $\frac{3}{4}$ of an inch depending on how and where the measurement was taken.

Ms. Meyer filed a report with the store at that time and had bruising and a broken hip.

As a result of the accident, Ms. Meyer was initially diagnosed with a fractured wrist and facial contusions. Subsequent evaluations also diagnosed a fractured orbital bone. These fractures took approximately six months to heal.

Marlene Meyer suffered no lost wages or lost income as a result of the accident.

D. The issues remaining for the jury are whether Cattle Company was negligent; whether Marlene Meyer was comparatively negligent; and what are her non-economic damages as a result of this accident.

Exhibit A
Page 3 of 10 Pages

E. Exhibit List, attached

F. Defendant's Witness List, attached

DATED this 23rd day of March, 2007, at Anchorage,
Alaska.

RICHMOND & QUINN
Attorneys for Defendant

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Alaska Bar No. 9411099

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and
correct copy of the foregoing
was served by mail this 23rd day
of March, 2007 to:

Robert J. Jurasek
PENTLARGE LAW GROUP
1400 W. Benson Blvd., Ste. 550
Anchorage, Alaska 99503

/s/ William A. Earnhart
RICHMOND & QUINN

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PROPOSED PRETRIAL ORDER

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DEFENDANT'S EXHIBIT LIST

COME NOW defendant ARG Enterprises, Inc. a/k/a
Stuart Anderson's Cattle Company Restaurants, by and through
counsel, Richmond & Quinn, and submits its Exhibit List as
follows:

Exhibit A American Restaurant Group Accident Report dated
January 7, 2005 (5 pages);

Exhibit A
Page 5 of 10 Pages

- Exhibit B Photographs taken by defendant outside Cattle Company Restaurant, identified as DEF 0001 - 16; and DEF 00264 - 277 (30 pages total);
- Exhibit C Photographs taken by plaintiff outside Cattle Company Restaurant, identified as 300000 - 09 and four unidentified photographs (16 pages total); and
- Exhibit D Photographs taken of plaintiff's business the Flight Deck bar and restaurant, identified as DEF 00251 - 263 (13 pages total); and
- Exhibit E Audiotape transcription of January 12, 2005 interview of plaintiff Marlene Meyer (16 pages total).

DATED this 23rd day of March, 2007, at Anchorage, Alaska.

RICHMOND & QUINN
Attorneys for Defendant

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DEFENDANT'S EXHIBIT LIST

MEYER v. ARG ENTERPRISES, INC., CASE NO. 3:05-cv-00239-TMB
PAGE 2 OF 3

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DEFENDANT'S EXHIBIT LIST

MEYER v. ARG ENTERPRISES, INC., CASE NO. 3:05-cv-00239-TMB
PAGE 3 OF 3

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Defendant.)	Case 3:05-cv-00239-TMB
_____)	

DEFENDANT'S WITNESS LIST

Defendant ARG Enterprises, Inc., aka Stuart Anderson's Cattle Company Restaurants, by and through counsel, Richmond & Quinn, hereby files its witness list with the following.

Marlene Meyer
c/o Robert J. Jurasek
PENTLARGE LAW GROUP
1400 W. Benson Blvd., Ste. 550
Anchorage, Alaska 99503

Exhibit A
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Ms. Meyer will testify as to her actions regarding this incident and her recovery, as well as the standard of care of landowners in Alaska.

Mike Smith
Carrie Young
Cattle Company
c/o William A. Earnhart
RICHMOND & QUINN PC
360 K Street, Ste. 200
Anchorage, Alaska 99501

Mr. Smith and Ms. Young will speak as to the history of the location of the accident and the efforts of Cattle Company to maintain the premises. Carrie Young will also speak to plaintiff's report of the accident and condition after the accident.

Peter G. Hupperton, Expert
330 Kayak Drive
Anchorage, Alaska 99515

Mr. Hupperton is a former OSHA inspector who will speak to the standard of care of landowners in Alaska and as to whether Cattle Company was negligent in their maintenance of the sidewalk in question.

Any and all witnesses listed or called by plaintiff.

Any and all witnesses identified through further discovery.

Any and all witnesses necessary for rebuttal or surrebuttal.

All witnesses necessary to authenticate documents.

Defendant reserves the right to amend and/or supplement its witness list at any time up until trial.

Exhibit A
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DATED this 23rd day of March, 2007, at Anchorage,
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DEFENDANT'S WITNESS LIST

MEYER v. ARG ENTERPRISES, INC., CASE NO. 3:05-cv-00239-TMB
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